

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 FRANK MANUEL HERNANDEZ,

4 Plaintiff

Case No. 3:20-cv-00114-MMD-WGC

**ORDER**

5 v.

6 PERRY RUSSELL, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983 and a properly  
12 executed financial certificate with inmate account statement for the past six months.  
13 (ECF Nos. 1-1, 1-2). However, Plaintiff has neither paid the full filing fee for this matter  
14 nor filed an application to proceed *in forma pauperis* on this Court’s approved form.

15 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
16 application to proceed *in forma pauperis* on this Court’s approved form and attach both  
17 an inmate account statement for the past six months and a properly executed financial  
18 certificate. As previously stated, Plaintiff has submitted a properly executed financial  
19 certificate and inmate account statement for the past six months at ECF No. 1-2, however,  
20 Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court’s  
21 approved form. Plaintiff will be granted an opportunity to file an application to proceed *in*  
22 *forma pauperis* on this Court’s approved form, or in the alternative, pay the full filing fee  
23 for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*, he  
24 must file a fully complete application to proceed *in forma pauperis* on this Court’s  
25 approved form. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but  
26 will not file it until the matter of the payment of the filing fee is resolved.

27 **II. CONCLUSION**

28 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND

1 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
2 as the document entitled information and instructions for filing an *in forma pauperis*  
3 application.

4 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
5 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
6 the correct form in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for  
7 filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

8 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
9 dismissal of this action may result.

10 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
11 (ECF No. 1-1) but will not file it at this time.

12 DATED: February 20, 2020

13 William G. Cobb  
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26